

Applicant : Shunpei YAMAZAKI et al.
Serial No. : 09/852,266
Filed : May 10, 2001
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Attorney's Docket No.: 12732-035001 / US4908

Amendments to the Drawings:

The attached replacement sheets of drawings include changes to Figs. 7, 8 and 12 and replace the original sheets including Figs. 7, 8 and 12.

In Figs. 7, 8 and 12, labels have been added to the corresponding numbers in order to better identify each element.

Attachments following last page of this Amendment:

Replacement Sheet (3 pages)
Annotated Sheet Showing Change(s) (3 pages)

REMARKS

Claims 11-17, 29, 30, 32, 33, 35, 36, 38, 39, 41, 42, 44, 45, 47, 48, 50, 51, 53, 54, 66, 67 and 70-81 are pending with claims 11, 17 and 70-72 being independent. Claims 11, 17, 30, 33 and 70-72 have been amended. Support for the amendments may be found in the specification at, for example, page 5, lines 2-17. In addition, as requested by the Examiner, Figs. 7, 8 and 12 have been amended to add descriptive labels consistent with the description of those figures in the specification. No new matter has been introduced.

As noted above, the drawings have been amended as requested by the Examiner. The amendments are believed to address the Examiner's concerns.

Claims 11-17, 29, 30, 32, 33, 35, 36, 38, 39, 41, 42, 44, 45, 47, 48, 50, 51, 53, 54, 66 and 67 have been rejected under section 101 as being directed to non-statutory subject matter. Applicant again requests reconsideration and withdrawal of this rejection because the claims are clearly directed to statutory subject matter. In particular, each of independent claims 11 and 17 recites a communications system that includes a storing means, a reading means, a collating means, a controlling means, and a sending means, all of which are structural elements.

For example, claim 11 recites "a storing means for storing reference living body information of the user" and claim 17 recites "a storing means for storing a plurality of kinds of reference living body information of the user." Since these elements are written in means-plus-function format, they must be interpreted to cover the structure set forth in the specification for performing the storing function, or substantial equivalents thereof. At page 15, lines 3-5, the specification sets forth one example of the structure for storing the reference living body information as being "a built-in memory of the authentication apparatus, such as a non-volatile memory." Thus, the storing means must be interpreted to cover at least a non-volatile memory and is not "software per se" as set forth in the rejection.

For at least this reason, the rejection under section 101 should be withdrawn.

Claims 11-17, 29, 30, 32, 33, 35, 36, 44, 45, 50, 51, 53, 54, 66, 67 and 70-81 have been rejected as being unpatentable over Uchida in view of Fukuzumi and the admitted prior art ("the

APA"). With respect to claims 11 and 17, and their dependent claims, applicant requests reconsideration and withdrawal of this rejection because neither Uchida, Fukuzumi, the APA, nor any proper combination of the three describes or suggests sending a password for re-write as data to the mating party after the authentication end signal is sent to the mating party (claim 11) or the manager (claim 17). The rejection indicates that this is shown by the APA at page 2, lines 2-5 of the application. However, that passage describes sending the password in advance of collation and well before the authentication end signal is sent. At page 2, lines 13-14, the APA describes resending the password in the event of an authentication failure. While this password is sent after the authentication end signal indicating that the previous authentication was a failure, it is not a "password for re-write" as recited in claims 11 and 17.

Accordingly, for at least this reason, the rejection should be withdrawn.

Similarly to claims 11 and 17, independent claims 70 and 71 recite sending a password for re-write after communication is started, where communication is started in response to an authentication end signal that is output when a collation result proves coincident. Accordingly, applicant requests reconsideration and withdrawal of the rejection of claims 70 and 71, and their dependent claims, for reasons similar to those discussed above with respect to claims 1 and 17.

With respect to claim 72, applicant requests reconsideration and withdrawal of this rejection because neither Uchida, Fukuzumi, the APA, nor any proper combination of the three describes or suggests sending the authentication end signal to both the manager and the mating party, as recited in claim 72. While the rejection indicates that Uchida shows such sending at page 11, lines 8-10, that Fukuzumi shows such sending at col. 6, lines 43-46, and that the APA shows such sending at page 2, lines 4-5, this is not the case.

The cited passage of Uchida merely describes means for sending a communication message to an authentication executing device, and the cited passage of Fukuzumi merely describes transmission of data about a fingerprint to a bioelectric signal identification section. Neither the communication message nor the fingerprint data constitutes an authentication end signal configured such that communication between a user and a mating party is started directly upon receipt of the signal, as recited in claim 72.

As to the APA, the rejection notes that "mating party" and "manager" are interchangeably used. Even assuming for sake of argument that this is correct, using the mating party and manager interchangeably in no way describes or suggests sending the authentication end signal to both the mating party and the manager.

Accordingly, for at least these reasons, the rejection of claim 72 and its dependent claims should be withdrawn.

Claims 38, 39, 41, 42, 47 and 48 have been rejected as being unpatentable over Uchida in view of Fukuzumi, the APA and Li. Applicant requests reconsideration and withdrawal of this rejection because Li does not remedy the failure of Uchida, Fukuzumi and the APA to describe or suggest the subject matter of the independent claims.

Applicant submits that all claims are in condition for allowance.

Fees in the amount of \$120 for the Petition for Extension of Time fee are being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. No additional fees are believed due. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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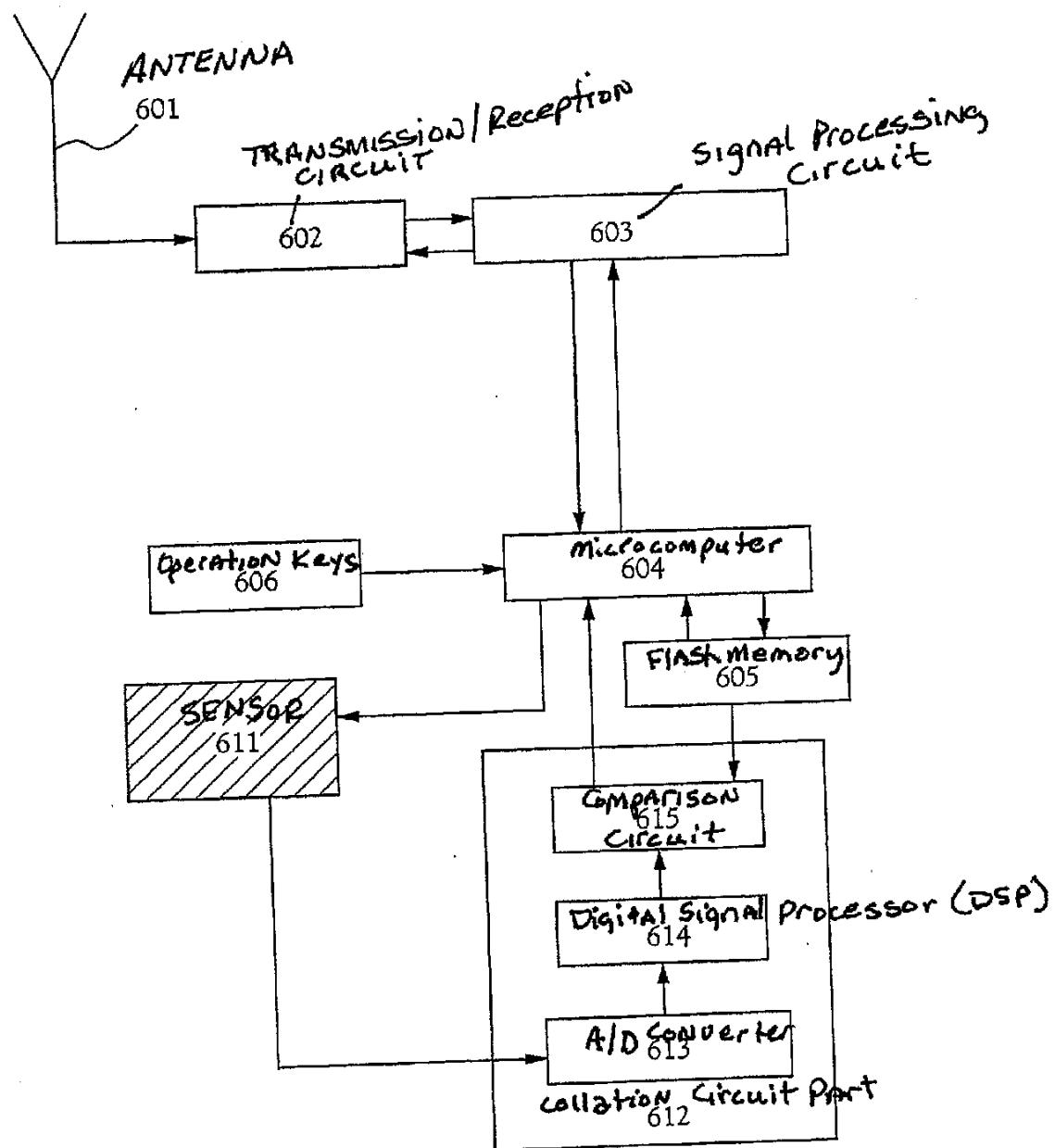


FIG. 7

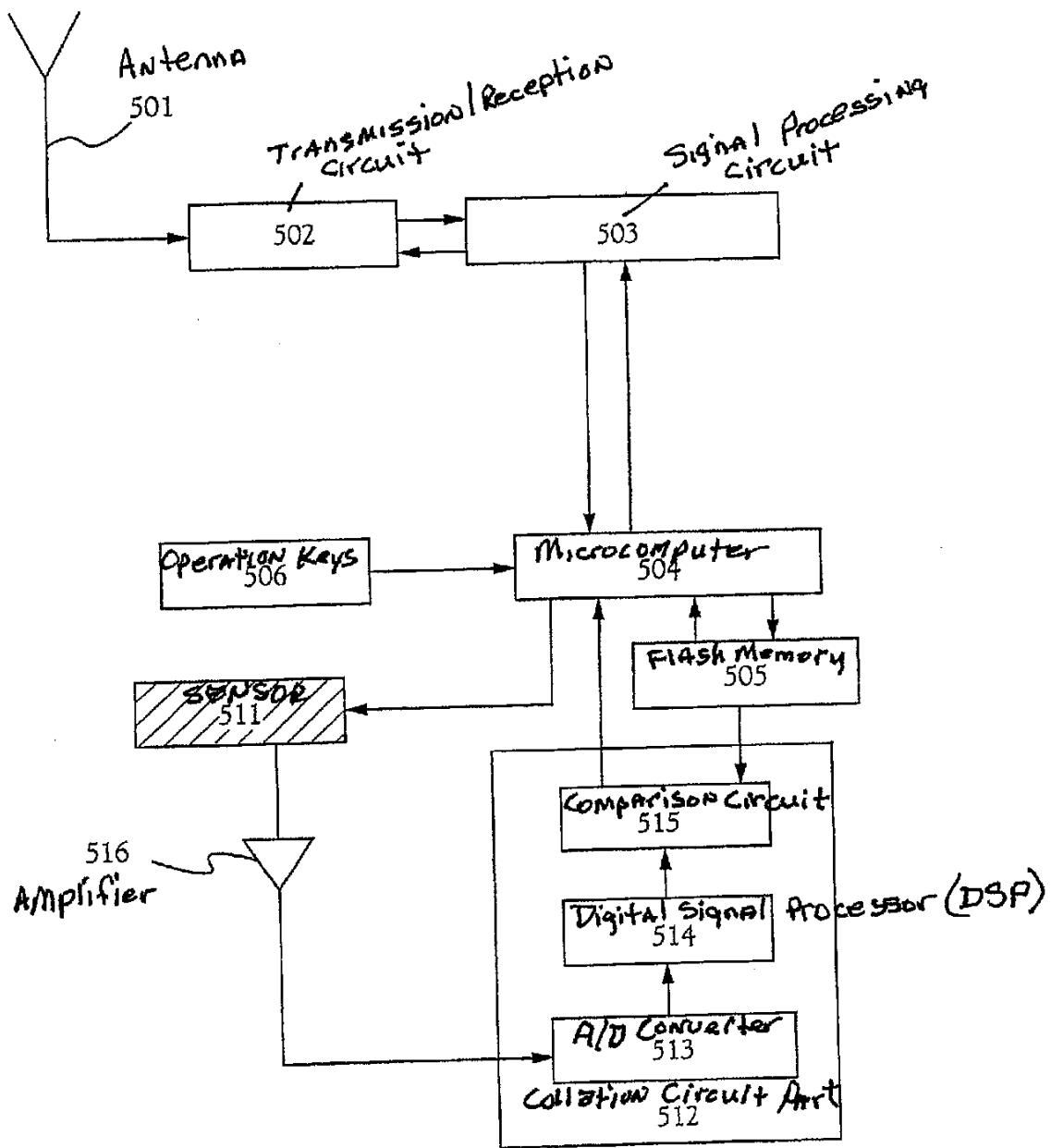


FIG. 8

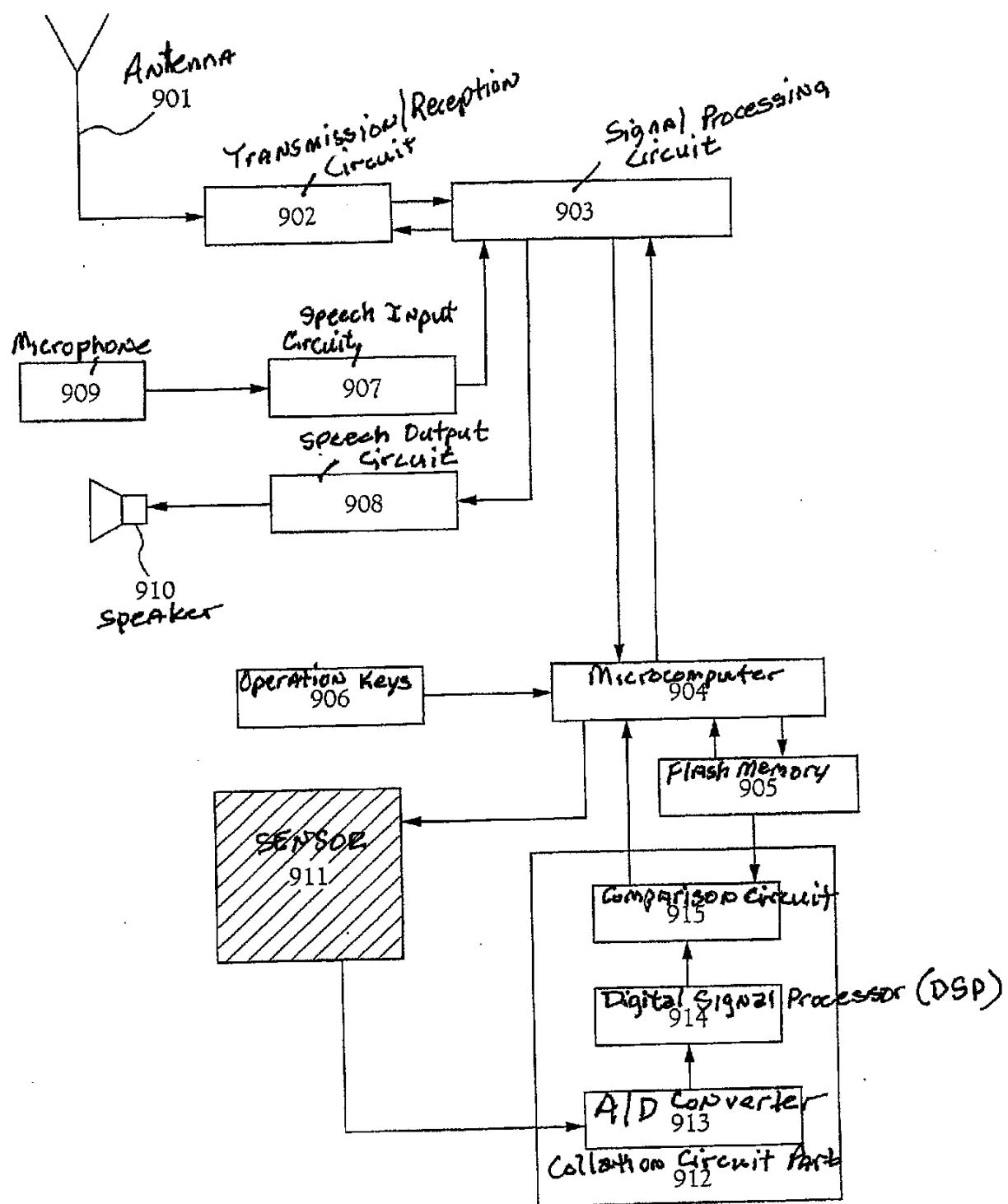


FIG. 12